

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

THOMAS CHANEY, )  
 )  
Petitioner, )  
 )  
v. ) No. 4:11-CV-715 CAS  
 )  
TROY STEELE, )  
 )  
Respondent. )

**ORDER**

This matter is before the Court on state prisoner Thomas Chaney's action pursuant to 28 U.S.C. § 2254. This case was referred to United States Magistrate Judge Abbie Crites-Leoni for report and recommendation on all dispositive matters and for final disposition on all non-dispositive matters, pursuant to 28 U.S.C. § 636(b).

On June 18, 2014, Judge Crites-Leoni filed a Report and Recommendation of United States Magistrate Judge which recommended that Chaney's petition for writ of habeas corpus be denied. The Magistrate Judge concluded that each of Chaney's three grounds for relief were procedurally defaulted, because he did not raise any of the grounds in his state post-conviction proceedings. The Magistrate Judge further concluded that Chaney did not make a showing of actual innocence, either as a freestanding claim or as a gateway to excuse his procedural default, so the procedural default cannot be excused. Finally, the Magistrate Judge also concluded that each of Chaney's grounds failed on their merits.

Petitioner filed timely objections to the Report and Recommendation, which are titled "Petitioner's Response to Respondent's Motion for denial of certificate of appealability." In the objections, Chaney does not address the issue of procedural default, but rather reiterates his

arguments concerning the merits of his three grounds. The Court has carefully reviewed petitioner's objections and the entire record of this matter. Following de novo review, the Court concurs in the recommendation of the Magistrate Judge as contained in the well-reasoned and thorough Report and Recommendation. Petitioner's objections are overruled.

Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of United States Magistrate Judge is **sustained, adopted and incorporated** herein. [Doc. 14]

**IT IS FURTHER ORDERED** that Thomas Chaney's Petition for Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2254 is **DENIED**. [Doc. 1]

**IT IS FURTHER ORDERED** that this matter is **DISMISSED**, with no further action to take place herein.

An appropriate judgment will accompany this order.



---

CHARLES A. SHAW  
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of September, 2014.